

REMARKS/ARGUMENTS

The Examiner states claims 22-34 are pending in the present application. However, Applicant notes that previously allowed claims 1-21 remain pending and allowed. Thus, Applicant submits that claims 1-34 are pending in the present application. Applicant provides herein a presentation of all pending claims for the Examiner's convenience. The Examiner has rejected claims 22, 24, 27-29, 31, and 34. The Examiner has objected to claims 23, 25, 26, 30, 32, and 33. The Examiner has previously allowed claims 1-21. Applicant respectfully requests reconsideration of pending claims 22-34.

The Examiner has objected to the disclosure, requiring that references to applications number 08/924,657 and 09/200,444 be updated with their corresponding patent numbers. Applicant amends the specification in accordance with the Examiner's requirement.

The Examiner has rejected claims 22, 24, 27-29, 31, and 34 under 35 U.S.C. 103(a) as being unpatentable over Graham et al. (U.S. Patent No. 6,097,722) in view of Robrock, II (U.S. Patent No. 5,932,402). Applicant respectfully disagrees.

Regarding claims 22 and 29, the Examiner cites Fig. 8 and col. 8, lines 10-14, of Graham et al. as disclosing "rejecting the virtual path aggregation request." However, Applicant notes that Fig. 8 recites "reject bandwidth request," not "rejecting the virtual path aggregation request." Also, col. 8, lines 12-14, as cited by the Examiner, states, "Finally, clients are responsible for accepting or rejecting calls when the virtual path network is in the overload condition," not "rejecting the virtual path aggregation request." As another example, the Examiner cites Fig. 8 as disclosing "when the bandwidth characteristics of the virtual path aggregation compare favorably with the bandwidth limitations of the trunk group, creating the virtual path aggregation such that the virtual path aggregation corresponds to the trunk group." However, Applicant notes that the step "BW available on VP?" of Fig. 8 does not recite "when the bandwidth characteristics of the virtual path aggregation compare favorably with the bandwidth limitations of the trunk group...."

Moreover, the Examiner acknowledges that "Graham fails to teach wherein the request indicates a desired data path between the source switch and a destination switch, wherein the request includes a traffic descriptor." While the Examiner asserts that Fig. 6A and col. 5, lines 24-34, of Robrock, II disclose such feature, Applicant submits that Robrock, II fails to disclose "a request for virtual path aggregation" having such feature. Thus, Applicant submits that there would be no

motivation for combining the teachings of Robrock, II with those of Graham et al., and even if an attempt were made to combine such teachings, such an attempt would not yield the claimed invention. Therefore, Applicant submits that neither of the cited references, either alone or in combination, discloses or suggests the claimed invention as set forth in claims 22 and 29. Thus, Applicant submits that claims 22 and 29 are in condition for allowance.

Regarding claims 24, 27, and 31, while the Examiner asserts that col. 2, lines 4-16, of Graham et al. suggest creating virtual path aggregation such that the virtual path aggregation supports permanent virtual connections and switched virtual connections, Applicant notes that col. 2, lines 4-16, of Graham et al. refer to making “virtual channel connections,” not to “creating the virtual path aggregation....” Thus, Applicant submits that neither of the cited references, either alone or in combination, discloses or suggests the claimed invention as set forth in claims 24, 27, and 31. Therefore, Applicant submits that claims 24, 27, and 31 are in condition for allowance.

Regarding claims 28 and 34, while the Examiner asserts that Figs. 7A and 7B and col. 12, lines 49-67, of Graham et al. disclose the virtual path aggregation is a virtual path connection that supports at least one virtual channel connection, wherein set up and shaping of the virtual path aggregation provides set up and shaping of the at least one virtual channel connection, Applicant can find no disclosure in the cited portion of the cited reference of such feature. For example, Applicant can find no disclosure in the cited portion of the cited reference of “...shaping of the at least one virtual channel connection.” Thus, Applicant submits that neither of the cited references, either alone or in combination, discloses or suggests the claimed invention as set forth in claims 28 and 34. Therefore, Applicant submits that claims 28 and 34 are in condition for allowance.


The Examiner has objected to claims 23, 25, 26, 30, 32, and 33. Applicant notes that Applicant has presented arguments for the allowability of claims from which claims 23, 25, 26, 30, 32, and 33 depend. Thus, Applicant submits that claims 23, 25, 26, 30, 32, and 33 are also in condition for allowance.

The Examiner has previously allowed claims 1-21. Applicant submits that claims 1-21 remain allowed.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

11/03/04
Date


Ross D. Snyder, Reg. No. 37,730
Attorney for Applicant(s)
Ross D. Snyder & Associates, Inc.
115 Wild Basin Road, Suite 107
Austin, Texas 78746
(512) 347-9223 (phone)
(512) 347-9224 (fax)